

From: Distler, Ken
Sent: Tuesday, February 20, 2018 07:59 PM
To: Cederholm, Eric
Subject: RE: FOIA for NSPS OOOOA Facilities

Eric, Got your message... and just received word that we are ok with the NGPL Station 312 OOOOA request not being CBI. However, Kinder Morgan would like to review for potential CBI decisions for any other possible FOIA requests for this station or any other Kinder Morgan facilities. Thanks Ken

Ken Distler | Sr. Environmental Engineer | Air Permitting and Compliance

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kenneth_distler@kindermorgan.com <mailto:kenneth_distler@kindermorgan.com>

From: Cederholm, Eric [mailto:cederholm.eric@epa.gov]
Sent: Wednesday, February 14, 2018 7:30 AM
To: Distler, Ken
Subject: RE: FOIA for NSPS OOOOA Facilities

[This email message was received from the Internet and came from outside of Kinder Morgan]

From: Distler, Ken [mailto:Kenneth_Distler@kindermorgan.com]
Sent: Wednesday, February 14, 2018 8:29 AM
To: Cederholm, Eric <cederholm.eric@epa.gov>
Subject: RE: FOIA for NSPS OOOOA Facilities

Eric, yes that would be fine, thanks Ken

From: Cederholm, Eric [mailto:cederholm.eric@epa.gov]
Sent: Wednesday, February 14, 2018 7:27 AM

To: Distler, Ken

Subject: RE: FOIA for NSPS OOOOA Facilities

[This email message was received from the Internet and came from outside of Kinder Morgan]

Good morning,

I can understand the confusion. The FOIA request went to all EPA Regions and the purpose of the previous email was to find out if you, or any other facility are going to be claiming the OOOOa submissions as CBI. I can send you the specific form we are asking about for you to review. The submission from Kinder Morgan, is not marked CBI or with any other marking noting it as sensitive or exempt. Will you agree to allow me to send to you via email?

General information about the form:

Natural Gas Pipeline Company of America LLC

Cropsey, Livingston County, Illinois

Date: 12-8-2017

From: Distler, Ken [mailto:Kenneth_Distler@kindermorgan.com]

Sent: Tuesday, February 13, 2018 11:12 AM

To: Cederholm, Eric <cederholm.eric@epa.gov>

Subject: RE: FOIA for NSPS OOOOA Facilities

Eric,

Kinder Morgan appreciates EPA's attention to its obligations under FOIA not to produce exempt documents. Unfortunately, Kinder Morgan cannot provide a detailed respond at this time for several reasons. The email sent by EPA does not indicate which Kinder Morgan company or facility is the subject of the email, the email was not sent to the responsible official as it suggests, and the potentially responsive documents to the FOIA request were not provided. Kinder Morgan and its subsidiaries and affiliates operate multiple compression stations, gas plants and sweetening units in multiple EPA regions. Without knowing which facility(s) and documents are potentially subject to the request, Kinder Morgan cannot know whether the documents contain CBI and/or FOIA exempt information. Three business days is not a sufficient amount of time for Kinder Morgan to figure out which, if any, of its documents for any of its compression stations, gas plants and/or sweetening units may be responsive and/or exempt from production under FOIA. In our experience, it is typical for agencies to provide actual

copies of the documents to the regulated entity that the agency believes are potentially responsive to the FOIA request along with suggested redactions or with a request for the regulated entity to suggest redactions to protect FOIA exempt information. We would be happy to go through such an exercise with EPA but we have insufficient information to do so at this time. Accordingly, Kinder Morgan cannot say that it is not asserting any CBI claims and reserves its rights to do so under FOIA, 5 U.S.C. Section 552, as well as the CBI requirements of the EPA regulations including those you cite in NSPS 0000a. Kinder Morgan trusts that EPA will follow its obligations under the APA and regulations to withhold documentation and information that is exempt from FOIA and/or that is CBI.

From: Cederholm, Eric [mailto:cederholm.eric@epa.gov]

Sent: Monday, February 12, 2018 12:50 PM

To: Cederholm, Eric

Subject: FOIA for NSPS 0000A Facilities

[This email message was received from the Internet and came from outside of Kinder Morgan]

The U.S. Environmental Protection Agency has received a request under the Freedom of Information Act (FOIA) for records containing information related to certain compliance records submitted to the EPA under the New Source Performance Standard (NSPS) for Oil and Gas (NSPS 0000a). This FOIA request is attached. The records requested include results of performance tests, initial semiannual reports for gas plants, semiannual reports for gas plants, annual reports and annual reports of excess emissions for sweetening units.

We believe you may have made a submittal under one or more of the provisions §§60.5422a(b), 60.5422a(a), 60.5420a(b), or 60.5423a(b).

By your response to this email, please indicate whether you wish to assert a confidential business information (CBI) claim with respect to any portion of report submitted under §§60.5422a(b), 60.5422a(a), 60.5420a(b), or 60.5423a(b) or any addendum, update or attachment to report, that your company has submitted to EPA.

If you decide to such a claim the EPA will temporarily treat the reports that you identify, and its updates, attachments and addenda, as confidential pending further investigation by the EPA. Please be advised that as part of such further investigation EPA is likely to request (in a subsequent communication) that you substantiate any CBI claim. If you do not assert a timely (see below) CBI claim with respect to any portion of a report or its addenda, updates or attachments, as described above, those records may be released to the requestor without further notice if EPA determines that the records are responsive to the FOIA request.

You have been identified by EPA as the responsible corporate official, under the FOIA regulations in 5 U.S.C. 552. Any CBI claim your company wishes to assert must be brought to the EPA's attention (by response to this email) no later than the close of business on the third working day from the date of this receipt by the responsible official (not including weekends). If you have any questions regarding this matter, please contact Eric Cederholm, cederholm.eric@epa.gov <mailto:cederholm.eric@epa.gov>

and 312-886-0221.

Eric P. Cederholm

US EPA, Region V

Air and Radiation Division

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Chicago, Illinois 60604-3590

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Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting possible harmful environmental activity. To do so, visit EPA's website at <http://www.epa.gov/compliance/complaints/index.html>
<<http://www.epa.gov/compliance/complaints/index.html>>